

**ZT-2-2009**

**Major Home Occupation for feeder animal breeding  
Skye Rees**

The following application was continued from the February 25, 2009 meeting to allow time for staff to research and draft a more formal ordinance.

This is a proposed amendment to Section 7-8-103 of the West Valley City Municipal Code relating to major home occupations.

The applicant, Mr. Rees operates a rat breeding facility out of his garage and an accessory building on his property, which is located in an R-1-8 zone. Currently, animal breeding facilities are only allowed in the agricultural zone, on property with at least one-acre, and they are reviewed as a conditional use. Mr. Rees was made aware of this restriction and has submitted this application to amend the West Valley City Municipal Code to allow for a rat breeding facility in a residential zone. The amendment also proposes to allow for the business to be conducted within a garage and/or accessory building which is currently prohibited.

Mr. Rees submitted a draft ordinance with several conditions that he felt would apply to this use. Staff has contacted the USDA, the Salt Lake Valley Health Department, The UT Humane Society, and WVC Animal Control and received some guidelines and suggestions from these agencies to expand on the draft submitted by Mr. Rees.

The proposed ordinance is as follows:

**Section 7-8-103 MAJOR HOME OCCUPATION STANDARDS**

Major home occupations are defined as home occupations which meet the standards listed in Section 7-8-102 above, except as specifically modified by the Planning Commission as provided herein. The Planning Commission may allow as a conditional use increases in intensity of a home occupation, as follows:

(4) Feeder Animal Breeding under the following conditions:

- (a) The use must be located within a fully enclosed structure and may not be located in a carport, patio, breezeway, or any part of the yard space.
- (b) The space occupied by this use shall be secured and dedicated only to this use and shall not be shared with any other use or activity unless specifically approved by the Planning Commission and the West Valley City Animal Control Division.
- (c) If located within an accessory building or garage, the building shall conform to all West Valley City Codes, including but not limited to the required setbacks for the zone the use is located within and all building code regulations.
- (d) This use shall not displace the minimum required parking for the residence.
- (e) There shall be no sounds, odors or other signs of animals detected outside of the facility.

- (f) Subject to at least one annual inspection from the West Valley City Animal Control Department.
- (g) Must meet the requirements of all effected agencies, including but not limited to the West Valley City Animal Control Department, Salt Lake Valley Health Department and the Humane Society of UT.
- (h) Additional conditions shall be applied to this use as part of the Major Home Occupation review by the Planning Commission for the specific animal being bred.

The following definition is also be proposed:

**Feeder Animal Breeding:** Commercially breeding and raising an animal, insect, amphibian, etc. as a food source for another animal, insect, amphibian, etc.

**Staff Alternatives:**

1. **Denial**, as this is not an appropriate use in a residential zone.
2. **Continuance**, to provide time for staff to research and draft a more formal ordinance for review.
3. **Approval**, of the ordinance as listed above.

**Applicant:**

Skye Rees  
3877 S. 6955 W.  
WVC, UT

**Favored:**

Don Belnap  
7883 W. 2985 S.  
WVC, UT

**Discussion:** Jody Knapp presented the application. The applicant, Skye Rees, stated that feels this is a beneficial business to several people in the community. He explained that this is a small animal that remains locked up at all times, doesn't cause a smell or many any noise, and is not visible from outside the home. He indicated that many people can't afford to feed their pet reptiles but with this business he will be able to provide the rats at a lower price and the needed quantity.

Don Belnap, an animal control officer for Salt Lake County and friend to Mr. Rees, stated that the reptile business has boomed in the last 20 years. He stated that if appropriate standards are set, there should be no problem with this type of small local business. He indicated that the animals don't roam free, do not contain any diseases, and can be checked by animal control on a yearly basis to ensure compliance. He stated that ordinances need to be updated and set in place to ensure good standards for care.

Phil Conder stated that it's easy to get lost in what needs to be addressed and the whole issue is actually land use. He indicated that his biggest concern is defining a breeder animal and he feels that by approving this application, too many avenues for other people

who aren't as responsible become open. Brent Fuller agreed. Harold Woodruff clarified that anyone in a home on any sized lot would be able to apply if this application were approved. Terri Mills agreed and stated that this ordinance would allow someone who lived in a town home or condo the ability to breed feeder animals as well. Commissioner Conder added that he doesn't think it's even possible to begin enumerating the different types of breeder animals. Mr. Rees stated that all of his neighbors are okay with this application and no problems have risen because of his small business. Jody stated that the ordinance could be further defined to limit feeder animal breeding to a specific animal but the main question is if this use is appropriate in a residential zone. Mr. Belnap stated that regulations can be set in place to determine a definition of a feeder animal and specific stipulations to ensure there is no problem in residential areas. Commissioner Mills stated that this is not something that needs to be in the home occupation ordinance and indicated that homes are used for housing people, not businesses.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

**Motion:** Commissioner Matheson moved for denial as this is not an appropriate use in a residential zone.

Commissioner Fuller seconded the motion.

**Roll call vote:**

Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Jones	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

**Unanimous -ZT-2-2009– Denied**